

**REMARKS**

Upon entry of the amendments, Claims 1-2 and 4-10 will be all the claims pending in the application.

Applicants have rewritten Claim 7 as an independent claim, including the limitations of intervening Claim 6 and base Claim 1.

New independent Claim 10 is directed to a particular embodiment of Claim 1 and is thus supported by Claim 1.

No new matter has been added.

Applicants note with appreciation the Examiner's indication at Section No. 4, page 3, of the Office Action that the earlier prior art rejections have been withdrawn.

The Office Action contains a single rejection, presented at Section No. 3, pages 2-3, of the Action. In particular, Claims 1-2 and 4-9 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,379,776.

Applicants respectfully request the withdrawal of this rejection because US '776 does not qualify as §103 prior art against the present application.

Specifically, US '776 issued on April 30, 2002, from an application having a §102(e) date of July 16, 1999. The present application has a filing date of August 2, 2000. Thus, US '776 is prior art against the present application solely via §102(e).

Effective November 29, 1999, subject matter which was prior art under former §103 solely via §102(e) is now disqualified as §103 prior art against the claimed invention if that subject matter and the claimed invention "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." MPEP §706.02(I)(1). This change to 35 U.S.C. § 103(c) applies to all utility applications filed on or after November 29, 1999.

As explained at MPEP §706.02(I)(2)(II), applications and references will be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time

AMENDMENT  
U.S. Appln. No. 09/630,777

the invention was made, owned by, or subject to an obligation of assignment to, the same person. Therefore, the Examiner is directed to the following statement:

In the present case, U.S. Serial No. 09/630,777 and US '776 were, at the time the invention of U.S. Serial No. 09/630,777 was made, owned by Nippon Sheet Glass Co., Ltd. (NSG).

The Examiner will note that US '776 is assigned to NSG and NSG Techno-Research Co., Ltd. Nevertheless, the present application and US '776 are considered to be commonly owned by NSG for purposes of §103(c).

In this regard, page 700-52 of MPEP, Rev. 1, Feb. 2003, provides an Example 1, wherein it is indicated that if "Parent Company owns 100% of Subsidiaries A and B, the inventions of A and B are commonly owned by the parent company." It stands to reason that if an invention of Subsidiary A is considered owned by Parent Company, an invention of Parent Company/Subsidiary A would also be considered owned by Parent Company. Therefore, the inventions of Parent Company and Parent Company/Subsidiary A should be considered commonly owned.

NSG Techno-Research Co. is a wholly owned (100%) subsidiary of NSG. Therefore, the inventions of NSG and NSG/NSG Techno-Research Co. are considered commonly owned.

Turning to amended Claim 7, US '776 does not disclose interposing an additional alkali diffusion preventive film between its glass article and its alkali shut-off film.

As for new Claim 10, US '776 does not disclose niobium oxide as a possible component of its alkali shut-off layer.


Furthermore, as noted above, US '776 does not qualify as §103 prior art against the present application.

Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT  
U.S. Appln. No. 09/630,777

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L. Raul Tamayo", written over a horizontal line.

L. Raul Tamayo  
Registration No. 47,125

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: June 3, 2004